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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,653	04/05/2006	Gerrit Cornelis Langelair	NL031169	1860
24737 7590 02/17/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER CALLAHAN, PAUL E				
ART UNIT 2437		PAPER NUMBER		
MAIL DATE 02/17/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/572,653

**Applicant(s)**

LANGELAAR, GERRIT CORNELIS

**Examiner**

PAUL CALLAHAN

**Art Unit**

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 9 is/are rejected.
- 7) ☒ Claim(s) 2, 4-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action addresses the Applicant's response filed 12-03-2008. Claims 1-9 are pending and have been examined.

### ***Response to Arguments***

2. Applicant's arguments filed 12-03-2008 have been fully considered but they are not persuasive.

The Applicant argues that the rejections of claims 1, 3, and 9 under 35 USC Sec. 102(b) are improper because the Shimizu reference purportedly fails to teach the claimed features of: calculating a quality metric for a given part of compressed data, and excluding the given part from a decoding process if the quality metric is below a certain threshold. The Applicant asserts that the system of Shimizu utilizes solely an accumulative process where frames are accumulated until a quality metric for the data is reached, wherein a decoding process can begin. The Applicant asserts that Shimizu is silent as to discarding any frame data. The Examiner counters that Shimizu does indeed teach the features of the claimed invention at the sections cited in the rejections and, for example, at page 14 lines 35-40 and page 15 lines 5-10, where the special case of a quality metric (frame output) that never exceeds a threshold value is discussed. In the system of Shimizu, should the threshold value not be reached, a determination is made that no watermark is encoded in the frame data and so no decoding step to extract the watermark will take place. The accumulated frame data is inherently discarded at this point in the system of Shimizu.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shimizu et al., UK Patent Application GB 2 349 536 A. (submitted with the Applicant's IDS).

Shimizu teaches:

As per claim 1, a method of selecting data for use in decoding an embedded watermark in compressed multimedia data (page 1 lines 10-15), comprising the steps of: calculating a quality metric for a given part of the compressed multimedia data, based on the degree of compression of the multimedia data (page 4 lines 1-7: the degree to which bit information must be accumulated over several frames is dependent on the degree of compression); including in a watermark decoding process (page 18 lines 17-40), the given part, if its quality metric is higher than a certain threshold (page 4 lines 35-40), and; excluding from the watermark decoding process, the given part, if its quality metric is lower than the threshold (page 4 lines 35-40).

As per claim 3, method as claimed in claim 1 wherein the quality metric is calculated on the basis of an analysis of a compressed data stream (page 1 lines 10-15).

As per claim 9, a method as claimed in claim 1 wherein the given part of the data is a frame (page 5 lines 15-25)

***Allowable Subject Matter***

5. Claims 2 and 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Callahan/  
Examiner, Art Unit 2437

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437